

Canada, Privileges and Elections  
Standing Order, 1955

HOUSE OF COMMONS

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STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

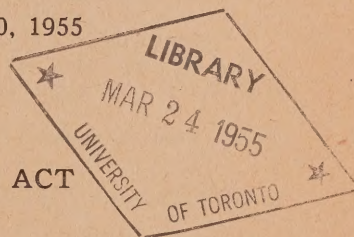
Chairman: G. Roy McWILLIAM, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 2

THURSDAY, MARCH 10, 1955

CANADA ELECTIONS ACT



WITNESS:

Mr. Nelson J. Castonguay, Chief Electoral Officer.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1955.

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The Standing Committee on Privileges and Elections met at 10.30 o'clock a.m. The Chairman, Mr. G. Roy McWilliam, presided.

*Members present:* Messrs. Balcer, Bryson, Cardin, Carter, Cavers, Churchill, Dechene, Harrison, Hollingworth, Lefrancois, MacDougall, McWilliam, Nowlan, Pallett, Pouliot, Richard (*Ottawa East*), Robinson (*Bruce*), Viau, Vincent, White (*Waterloo South*), and Zaplitny.

*In attendance:* Honourable Roch Pinard, Q.C., M.P., Secretary of State; Mr. Nelson J. Castonguay, Chief Electoral Officer; Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer.

The Chairman announced that, pursuant to the resolution passed at the previous meeting of March 8, he had named to act with him on the Subcommittee on Agenda and Procedure the following members: Messrs. Cardin, Cavers, Hansell, MacDougall, Nowlan, and Zaplitny.

With the unanimous consent of the Committee, the Chairman invited the Honourable Roch Pinard, Secretary of State, to address the Committee.

Mr. Pinard, in his address, suggested that, in view of the wide scope of its Order of Reference, the Committee might give some study to the advisability of amending the Act to make provisions for:

1. The Chief Electoral Officer to act in the case of the Yukon Territory as electoral officer in the conduct of elections in that section of Canada in the same way he does in respect of the election of the members of the Northwest Territories Council. (In this connection, the Minister suggested that the Committee might wish to call and hear a representative of the Department of Northern Affairs and Natural Resources.)

2. Creating facilities to allow Canadians residing abroad to exercise their franchise and which are divided in the following groups:

- (a) Canadians residing abroad who are not in the public service;
- (b) Canadians abroad who are members of the public service, such as the officers of our missions in foreign countries or in countries of the Commonwealth;
- (c) Wives of the members of the Canadian forces who reside abroad with their husbands.

Mr. Castonguay was questioned on certain technical points arising out of the minister's address.

At the conclusion of the discussion on the issues raised in the Minister's address, the chairman thanked Mr. Pinard for attending before the Committee and for his enlightening remarks.

On motion of Mr. Churchill, *Resolved*,—

That the subject matters, raised by the Secretary of State in his address to the Committee, be referred for consideration and a report with recommendation, to the subcommittee on Agenda and Procedure.

Pursuant to the resolution passed at its previous meeting, the Committee then proceeded to a study of the Canada Elections Act.

Objections having been raised to this procedure because of the fact that the printed report of the Minutes of Proceedings and Evidence of Tuesday, March 8, to which were appended the communications tabled on that day by the Chief Electoral Officer and the Chairman, were not available for distribution to the members, it was agreed, on the suggestion of Mr. Nowlan, that the Committee meanwhile proceed with a preliminary study of the amendments proposed by the Chief Electoral Officer, and that later when the printed communications referred to above were available, the Committee proceed with the Act along the lines formulated in the resolution passed on Tuesday, March 8.

Mr. Castonguay was questioned in respect of each of his proposed amendments under study and following are those that were agreed to:

Clause 1. (1) Paragraph (b) of subsection (15) of section 2 of the *Canada Elections Act*, chapter 23 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

(b) in relation to any place or territory within a judicial district, other than the judicial district of Quebec or Montreal, in the Province of Quebec for which a judge has been appointed, the judge so appointed, or where there is more than one such judge, the senior of them;

#### Explanatory Notes.

Clause 1. (1) To provide that the judge appointed for any judicial district in the Province of Quebec, other than the judicial districts of Quebec and Montreal, will be the judge as therein defined. The present paragraph (b) of section 2 (15) reads as follows:

(b) in relation to any place or territory within the judicial districts of St. Francis and Three Rivers, in the Province of Quebec, the resident judge of the Superior Court;

(2) Subsection (15) of section 2 of the said Act is further amended by deleting the word "and" at the end of paragraph (d) thereof and all the words following paragraph (e) thereof, by adding the word "and" at the end of paragraph (e) thereof and by adding thereto the following paragraph:

(f) in relation to any place or territory in Canada where there is no judge as defined in paragraphs (a) to (e) or a vacancy exists or arises in the office of any such judge or where such judge is unable to act by reason of illness or absence from his judicial district, the judge exercising the jurisdiction of such judge, and if there is more than one judge exercising such jurisdiction, the senior of them, and if no judge is exercising such jurisdiction, any judge designated for the purpose by the Minister of Justice.

(2) To provide a different mode of appointment of a substitute judge when the judge as defined in the preceding paragraphs of section 2 (15) is not available. The words appearing after paragraph (e) to be deleted are as follows:

And if there is no such judge in any place or territory in Canada or the judge is unable to act, means the judge designated for the purpose by the Governor in Council;

Clause 2—Stood over.

Clause 3—Stood over

4. All that portion of subsection (3) of section 15 of the said Act following paragraph (c) thereof is repealed and the following substituted therefor:

(d) persons employed, whether casually or for the period of the election or part thereof, in advertising of any kind or as clerks, stenographers or messengers on behalf of a candidate, the total number



of persons employed under this paragraph not to exceed one for each five hundred electors in the electoral district; the official agent shall communicate the name, address and occupation of every person employed under this paragraph, in writing, to the returning officer who shall, in turn, communicate such name, address and occupation to the deputy returning officer of the appropriate polling station.

#### Explanatory Notes

Clause 4. The latter portion of subsection (3) of section 15 was so drafted that it was doubtful whether it applied to the persons mentioned in paragraphs (a) to (d) of subsection (3) or to those mentioned in paragraph (d) only. The Statute Revision Committee construed it as applying to the persons mentioned in paragraphs (a) to (d). This amendment makes it clear that that portion of subsection (3) applies only to the persons mentioned in paragraph (d). All that portion of section 15 (3) appearing after paragraph (c) thereof now reads as follows:

(d) persons employed, whether casually or for the period of the election or part thereof, in advertising of any kind, or as clerks or stenographers or as messengers on behalf of a candidate, but the total number of persons employed under the provisions of this paragraph shall not exceed one for each five hundred electors in the electoral district; the name, address and occupation of every such person so employed shall be communicated, in writing, to the returning officer who shall, in turn, communicate such name, address and occupation to the deputy returning officer of the appropriate polling station.

#### Clause 5—Stood over.

6. (1) All that portion of subsection (5) of section 17 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

“(5) The returning officer shall wherever possible cause the preliminary lists for both urban and rural polling divisions to be printed at a printing establishment situated in or near his electoral district, and shall have the printing thereof completed not later than Wednesday, the twenty-sixth day before polling day; the printing of the preliminary lists of electors shall be in accordance with the specimen forms supplied by the Chief Electoral Officer; the preliminary list of electors for every polling division printed by the returning officer shall bear the name and address of the printer and a certificate by the returning officer that such print accurately sets out all the names, addresses and occupations of the electors as prepared by the enumerator or enumerators for the polling division to which such list relates; the arrangement of names on the lists shall be as follows:”

#### Explanatory Notes

Clause 6. (1) The words “upon its face” have been eliminated. The name and address of the printer and the certificate referred to cannot always appear on the face of the printed preliminary lists of electors. All that portion of section 17 (5) preceding paragraph (a) thereof now reads as follows:

(5) The returning officer shall wherever possible cause the preliminary lists for both urban and rural polling divisions to be printed at a printing establishment situated in or near his electoral district, and shall have the printing thereof completed not later than Wednesday, the twenty-sixth day before polling day; the printing of the preliminary lists of electors shall be in accordance with the specimen forms supplied by

the Chief Electoral Officer; the preliminary list of electors for every polling division printed by the returning officer shall bear upon its face the name and address of the printer and a certificate by the returning officer that such print accurately sets out all the names, addresses and occupations of the electors, as prepared by the enumerator or enumerators, for the polling division to which such list relates; the arrangement of names on the lists shall be as follows:

(2) Section 17 of the said Act is further amended by adding thereto immediately after subsection (5) thereof the following subsection:

"(5a) Where by reason of lack of printing facilities or of time or for any other reason, a returning officer is unable to cause the preliminary list of electors for any polling division to be printed in accordance with the requirements of this Act, he shall, wherever possible and with the prior approval of the Chief Electoral Officer, cause such list to be reproduced by any other means, and a preliminary list so reproduced shall, for the purposes of this Act, be deemed, except in subsections (6) to (8), to be printed; the preliminary list for every polling division reproduced by the returning officer under this subsection shall bear a certificate by the returning officer that such reproduction accurately sets out all the names, addresses and occupations of the electors as prepared by the enumerator or enumerators for the polling division to which such list relates; the arrangement of names on the lists shall be the same as is provided for printed preliminary lists by paragraphs (a) and (b) of subsection (5); where a preliminary list is reproduced in accordance with this subsection, the returning officer shall furnish the Chief Electoral Officer and each candidate with two copies thereof."

#### Explanatory Notes

(2) New. To provide alternative methods of producing preliminary lists of electors when, for the reasons set out, the returning officer is unable to have such lists printed.

(3) Rule (7) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

"Rule (17). For every urban polling division, the judge as defined in subsection (15) of section 2 is the *ex officio* revising officer."

#### Explanatory Notes

(3) Consequential to the proposed amendment in Clause 1 (2). The present Rule (17) reads as follows:

Rule (17). For every urban polling division, the judge as defined in subsection (15) of section 2 is the *ex officio* revising officer; in the event of there being or arising a vacancy in the office of *ex officio* revising officer, another judge for the same district if any shall thereupon become or be named *ex officio* revising officer, and if there is none or none is named, the Governor in Council may nominate a person to be substitute for the *ex officio* revising officer pending the appointment or nomination of a new judge.

(4) Rule (20) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

"Rule (20). The returning officer shall, when so instructed by the Chief Electoral Officer, group together the urban polling divisions comprised in his electoral district into revisal districts, each containing such number of urban polling divisions as the Chief Electoral Officer may direct, and shall prepare descriptions of such revisal districts."



## Explanatory Notes

(4) To enable the Chief Electoral Officer to instruct returning officers to complete as much of the preliminary work as possible before the writ ordering an election issues. The present Rule (20) reads as follows:

Rule (20). The returning officer shall, as soon as he conveniently can after the receipt by him of notice of the issue of a writ for an election in his electoral district, group together the urban polling divisions comprised in his electoral district into revisal districts, each containing such number of urban polling divisions as the Chief Electoral Officer may direct, and shall prepare descriptions of the boundaries of such revisal districts.

(5) Rules (23) and (24) of Schedule A to Section 17 of the said Act are repealed and the following substituted therefor:

"Rule (23). Forthwith on receipt of the notification mentioned in Rule (22), the returning officer shall, not later than Thursday, the twenty-fifth day before polling day, cause to be printed a notice of revision in Form No. 4 listing the numbers of the polling divisions comprised in every revisal district established by him, giving the name of the revising officer appointed for each thereof, setting out the revisal office at which such revising officer will attend for the revision of the lists of electors and stating the day and time during which such revisal office will be open; at least four days before the first day fixed for the sittings for revision, the returning officer shall cause two copies of such notice to be posted up in conspicuous places in each urban polling division comprised in his electoral district; immediately after the printing of the notice in Form No. 14, the returning officer shall transmit or deliver five copies thereof to every candidate officially nominated at the pending election in the electoral district, and, at the discretion of the returning officer, to every other person reasonably expected to be so nominated or to his representative.

Rule (24). Before ten o'clock in the forenoon of the day when the sittings for revision commence, the revising officer of each revisal district shall cause an additional five copies of the notice mentioned in Rule (23) to be posted up outside of and near to the revisal office where he will sit to revise the lists; the revising officer shall see that the latter copies are replaced as circumstances require in order that the specified number of copies may remain duly posted up during the days of sittings for revision."

## Explanatory Notes

(5) The proposed amendment to Rule (23) is to shorten the printed notice of revision by eliminating the descriptions of the boundaries of the revisal districts. The proposed amendment to Rule (24) is consequential to the proposed amendment in Clause 6 (6). The present Rules (23) and (24) read as follows:

Rule (23). Forthwith on receipt of such notification the returning officer shall, not later than Thursday, the twenty-fifth day before polling day, cause to be printed a notice of revision in Form No. 14, describing the boundaries of every revisal district established by him, giving the name of the revising officer appointed for each thereof, setting out the revisal office at which such revising officer will attend for the revision of the lists of electors, and stating the day and time during which such revisal office will be open; it shall also be stated in the said notice the days and hours before the first day of sittings for revision, and the address at which each revising officer shall be in attendance to complete Affidavits of Objection in Form No. 15; at least four days



before the first day fixed for the sittings for revision, the returning officer shall cause two copies of such notice to be posted up in conspicuous places in each urban polling division comprised in his electoral district. Immediately after the printing of the notice in Form No. 14, the returning officer shall transmit or deliver five copies thereof to every candidate officially nominated at the pending election in the electoral district, and, at the discretion of the returning officer, to every other person reasonably expected to be so officially nominated or to his representative.

Rule (24). Before ten o'clock in the forenoon of the day when the sittings for revision commence, the revising officer of each revisal district shall cause an additional five copies of the above mentioned notice to be posted up outside of and near to the revisal office where he will sit to revise the lists; the revising officer shall see that the latter copies are replaced as circumstances require in order that the specified number of copies may remain duly posted up during the three days of sittings for revision.

(6) Rules (26) to (28) of Schedule A to section 17 of the said Act are repealed and the following substituted therefor:

"Rule (26). The sittings of the revising officers for the revision of the lists of electors shall be held on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, and, subject to Rule (36), on Tuesday, the thirteenth day before polling day; such sittings shall commence at ten o'clock in the forenoon on those days and shall continue for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of: moreover, on each of those days, every revising officer shall sit at his revisal office for the revision of the lists of electors from seven o'clock to ten o'clock in the evening; if any of those days is a holiday as defined in the Interpretation Act, the day for the commencement or continuation of the sittings for revision may be postponed accordingly.

Rule (27). At the sittings for revision on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, the revising officer shall have jurisdiction to and shall dispose of

- (a) personal applications made by electors whose names were omitted from the preliminary list;
- (b) sworn applications made by agents, on Forms Nos. 17 and 18, on behalf of persons claiming the right to have their names included in the list of electors, pursuant to Rule (33); and
- (c) verbal applications for the correction of names or particulars of electors, appearing on the preliminary list.

Rule (28). During the sittings for revision on Thursday and Friday, the eighteenth and seventeenth days before polling day, whenever an elector whose name appears on the preliminary list of electors prepared in connection with a pending election for one of the polling divisions comprised in a given revisal district subscribes to an Affidavit of Objection in Form No. 15 before the revising officer appointed for such revisal district alleging the disqualification as an elector at the pending election of a person whose name appears on one of such preliminary lists, the revising officer shall, not later than Friday, the seventeenth day before polling day, transmit, by registered mail, to the person, the appearance of whose name upon such preliminary list is objected to, at his address as given on such preliminary list and also at the other address, if any, mentioned in such affidavit, a Notice to Person Objected to, in Form No. 16, advising the person mentioned in such affidavit that he may appear personally or by representative before the said revising officer during his sittings for revision on Tuesday, the thirteenth day before polling day to establish his right, if any,



to have his name retained on such preliminary list; with each copy of such notice, the revising officer shall transmit a copy of the relevant Affidavit of Objection."

*Explanatory Notes*

(6) The proposed amendment to Rule (26) is to provide urban electors and candidates more time to examine lists of electors before the sittings for revision for the purpose of filing sworn notices of objection. The proposed amendments to Rules (27) and (28) are consequential to the proposed amendment to Rule (26). The present Rules (26) to (28) read as follows:

Rule (26). The sittings of the revising officers for the revision of the lists of electors shall commence at ten o'clock in the forenoon of Thursday, Friday, and Saturday, the eighteenth, seventeenth, and sixteenth days before polling day, and shall continue for at least one hour and during such time, thereafter as may be necessary to deal with the business ready to be disposed of, provided that, if any of such days is a holiday as defined in the Interpretation Act, the date for the commencement or continuation of the sittings for revision may be postponed accordingly; moreover, on each of the three days fixed for the sittings for revision, every revising officer shall sit continuously at his revisal office for the revision of the lists of electors from seven o'clock until ten o'clock in the evenings of these three days.

Rule (27). At the sittings for revision, the revising officer shall have jurisdiction to and shall dispose of

- (a) personal applications made by electors whose names were omitted from the preliminary list;
- (b) sworn applications made by agents, on Forms Nos. 17 and 18, on behalf of persons claiming the right to have their names included in the list of electors, pursuant to Rule (33);
- (c) verbal applications for the correction of names or particulars of electors appearing on the preliminary list; and
- (d) any objection made on oath, in Form No. 15, to the inclusion of any name on the preliminary lists of electors, of which he himself has given notice to the elector concerned, in Form No. 16, pursuant to Rule 28.

Rule (28). During the three days immediately preceding the first day fixed for the sittings for revision, whenever an elector whose name appears on the preliminary list of electors prepared in connection with a pending election, for one of the polling divisions comprised in a given revisal district, subscribes to an Affidavit of Objection in Form No. 15, before the revising officer appointed for such revisal district, alleging the disqualification as an elector at the pending election of a person whose name appears on one of such preliminary lists, the revising officer shall, not later than the day immediately preceding the first day fixed for the sittings for revision, transmit, by registered mail, to the person, the appearance of whose name upon such preliminary list is objected to, at his address as given on such preliminary list and also at the other address, if any, mentioned in such affidavit, a Notice to Person Objected to, in Form No. 16, advising the person mentioned in such affidavit that he may appear personally or by representative before the said revising officer, during his sittings for revision, to establish his right, if any, to have his name retained on such preliminary list; with each copy of such notice, the revising officer shall transmit a copy of the relevant Affidavit of Objection; on each of the three days immediately preceding the first day fixed for the sittings for revision, the revising officer shall keep



himself available during at least three hours in the afternoons or evenings of such days, at the address given in the Notice of Revision in Form No. 14, to complete, as required, Affidavits of Objection and Notices to Persons Objected to, and to despatch copies of such affidavits and notices to the persons concerned.

(7) Rules (32) and (33) of Schedule A to section 17 of the said Act are repealed and the following substituted therefor:

"Rule (32). Any person claiming to be entitled to be registered as an elector in any revisal district may apply in person, without previous notice, before the revising officer to have his name entered on the appropriate list of electors at the sittings of the revising officer for such revisal district on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, and if such person answers to the satisfaction of the revising officer all such relevant questions as the revising officer shall deem necessary and proper to put to him, the revising officer shall insert the name and particulars of the applicant in the revising officer's record sheets as an accepted application for registration in the list of electors of the polling division where such person resides.

Rule (33). In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, the revising officer may, at the sittings for revision held by him on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, accept, as an application for registration made by an agent, from any person appearing before him who is an elector and whose name appears on the printed preliminary list for one of the polling divisions comprised in the electoral district in which the revising officer's revisal district is situated, a sworn application of that elector in Form No. 17 exhibiting an application in Form No. 18, signed by the person who desires to be registered as an elector; if such person is then temporarily absent from the place of his ordinary residence, a sworn application may be made in the alternative Form No. 18 by a relative by blood or marriage, or by his employer, and in such event the revising officer may, if satisfied that the person on whose behalf the application is made is qualified as an elector, insert the name and particulars of that person in the revising officer's record sheets as an accepted application for registration on the official list of electors for the polling division where such person ordinarily resides; the two applications shall be printed on the same sheet and shall be kept attached."

#### *Explanatory Notes*

(7) Consequential to the proposed amendment to Rule (26) in Clause 6 (6). The present Rules (32 and (33) read as follows:

Rule (32). Any person claiming to be entitled to be registered as an elector in any revisal district may apply in person, without previous notice, before the revising officer to have his name entered on the appropriate list of electors at any sitting of the revising officer for such revisal district, and if such person answers to the satisfaction of the revising officer all such relevant questions as the revising officer shall deem necessary and proper to put to him, the revising officer shall insert the name and particulars of the applicant in the revising officer's record as an accepted application for registration in the list of electors of the polling division wherein such person resides.

Rule (33). In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, the revising officer may, at any sitting for revision held by him, accept,



as an application for registration made by an agent, from any person appearing before him who is an elector and whose name appears on the printed preliminary list for one of the polling divisions comprised in the electoral district in which the revising officer's revisal district is situated, a sworn application of that elector in Form No. 17, exhibiting an application in Form No. 18, signed by the person who desires to be registered as an elector; if such person is then temporarily absent from the place of his ordinary residence, a sworn application may be made in the alternative Form No. 18 by a relative by blood or marriage, or by his employer, and in such event the revising officer may, if satisfied that the person on whose behalf the application is made is qualified as an elector, insert the name and particulars of that person in the revising officer's record sheets as an accepted application for registration on the official list of electors for the polling division wherein such person ordinarily resides; the two applications shall be printed on the same sheet and shall be kept attached.

Rule (36) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

"Rule (36). Where under Rule (28) any objection has been made on oath in Form No. 15 to the retention of the name of any person on the preliminary list and the revising officer has given notice under that Rule to the person of such objection in Form No. 16, the revising officer shall hold sittings for revision on Tuesday, the thirteenth day before polling day; during his sittings for revision on that day, the revising officer has jurisdiction to and shall determine and dispose of all such objections of which he has so given notice; if the revising officer has given no such notice he shall not hold any sitting for revision on the Tuesday aforesaid."

#### *Explanatory Notes*

(8) Consequential to the proposed amendment to Rule (26) in Clause 6 (6). The present Rule (36) reads as follows:

Rule (36). During his sittings for revision the revising officer shall hear and determine all objections made upon oath before him under Rule (28) and of which notice has been properly given by him under the said rule.

7. Lines one and two of subsection (1) of section 18 of the said Act are repealed and the following substituted therefor:

"18. (1) Within two days after the receipt of the writ of election or within six days after he has been notified."

#### *Explanatory Notes*

Clause 7. To provide more time for the printing and the distribution of the proclamation. Lines one and two of the present section 18 (1) read as follows:

18. (1) Within two days after the receipt of the writ of election or within two days after he has been notified.

Clauses 8, 9 and 10 stood over.

11. Subsection (10) of section 50 of the said Act is repealed and the following substituted therefor:

"(10) The deputy returning officer shall, with the ballot box, transmit or deliver to the returning officer in the envelope provided for that purpose

- (a) the preliminary statement of the poll in the form prescribed by the Chief Electoral Officer, and
- (b) the polling station account filled in and signed by the deputy returning officer."

## Explanatory Notes

Clause 11. To make this subsection conform to subsection (9) of section 50 and to simplify procedure with regard to polling station accounts. The present section 50 (10) reads as follows:

The deputy returning officer shall, with the ballot box, transmit or deliver to the returning officer, in the envelope provided for that purpose, the key of such ballot box, the preliminary statement of the poll in the form prescribed by the Chief Electoral Officer and the polling station account furnished him in blank by the returning officer, having first caused it to be filled in and signed by the officials of his polling station entitled to fees, and by the landlord thereof, if any, and if under subsection (11) the ballot box is returned to the returning officer post free, registered, the envelope containing the key thereof, the preliminary statement of the poll and the polling station account shall likewise be transmitted at the same time.

12. Subsection (2) of section 54 of the said Act is repealed and the following substituted therefor:

"(2) The judge to whom applications under this section may be made shall be the judge as defined in subsection (15) of section 2 within whose judicial district is situated the place where the official addition of the votes was held or the judge acting for such judge pursuant to paragraph (f) of that subsection or a judge designated by the Minister of Justice under that paragraph, and any judge who is authorized to act by this section may act, to the extent so authorized, either within or without his judicial district."

## Explanatory Notes

Clause 12. Consequential to the proposed amendment in Clause 1 (2). The present section 54 (2) reads as follows:

(2) The judge to whom applications under this section may be made shall be the judge as defined in subsection (15) of section 2 within whose judicial district is situated the place whereat the official addition of the votes was held, and any judge who is authorized to act by this section may act, to the extent so authorized, either within or without his judicial district.

13. Section 59 of the said Act is amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

"(2a) Where a Superior Court or a judge thereof has ordered the production of any election documents or election papers, the Chief Electoral Officer need not, unless the court or judge otherwise orders, appear personally to produce such documents or papers, but it is sufficient if the Chief Electoral Officer certifies such documents or papers and transmits them by registered mail to the clerk or registrar of the court, who shall, when such documents have served the purposes of the court or judge, return them by registered mail to the Chief Electoral Officer, any such documents or papers purporting to be certified by the Chief Electoral Officer are receivable in evidence without further proof thereof."

## Explanatory Notes

Clause 13. New. To make it possible for election documents or election papers to be produced in court without the personal appearance of the Chief Electoral Officer.

Clause 14. Stood over.



15. (1) Paragraph (c) of subsection (1) of section 100 of the said Act is repealed and the following substituted therefor:

- (c) members of the House of Commons, or of the Legislative Assembly of any province of Canada, or of the Council of the Northwest Territories or the Yukon Territory;

(2) Paragraph (e) of subsection (1) of section 100 of the said Act is repealed and the following substituted therefor:

- (e) judges of the courts of superior, civil or criminal jurisdiction, judges of any county or district court, or bankruptcy or insolvency court, and any district judge of the Exchequer Court on its Admiralty side, and in the Yukon Territory and the Northwest Territories, police magistrates;

(3) Subsection (2) shall come into force on the day the Northwest Territories Act, chapter 331 of the Revised Statutes of Canada, 1952, comes into force.

#### Explanatory Notes

Clause 15. (1) and (2). To provide that members of the Council of the Northwest Territories and police magistrates in the Northwest Territories shall not be appointed as election officers. (3) At the present time there are no police magistrates in the said Territories. Paragraphs (c) and (e) of the present section 100 (1) read as follows:

- (c) members of the House of Commons, or of the Legislative Assembly of any province of Canada, or of the Yukon Territorial Council;
- (e) judges of the courts of superior, civil or criminal jurisdiction, judges of any county or district court, or bankruptcy or insolvency court, and any district judge of the Exchequer Court on its Admiralty side, and in the Yukon Territory, police magistrates;

16. Subsection (1) of section 109 of the said Act is amended by adding the word "and" at the end of paragraph (a) thereof, by repealing paragraphs (b), (c) and (d) thereof and substituting the following therefor:

- (b) the days for the sittings for the revision of the lists of electors for urban polling divisions shall be Thursday, Friday and Saturday, the eleventh, tenth and ninth days before polling day, and, subject to Rule (36) of Schedule A to section 17, Tuesday, the sixth day before polling day.

#### Explanatory Notes

Clause 16. Consequential to the proposed amendment in Clause 6. Paragraphs (b), (c) and (d) of the present section 109. (1) read as follows:

- (b) the days for the sittings for the revision of the lists of electors for urban polling divisions shall be Thursday, Friday, and Saturday, the eleventh, tenth, and ninth days before polling day;
- (c) the lists of electors for urban polling divisions shall not be reprinted after such lists have been revised by the revising officer; and
- (d) the official list of electors for an urban polling division shall consist of the printed preliminary list of electors, prepared pursuant to this Act, taken together with a copy of the statement of changes and additions certified by either the revising officer or the returning officer.

17. Section 114 of the said Act is amended by adding thereto the following subsection:

"(4) The qualifications for electors for Northwest Territories elections shall be those established pursuant to section 9 of the *Northwest Territories Act* and in force six months prior to the polling day for such elections."

#### Explanatory Notes

Clause 17. Subsection (4) of section 114 was deleted from the Act as being spent. The qualifications for electors for Northwest Territories elections are to be governed in future by subsection (4) as it appears in the amendment.

18. The said Act is further amended by adding thereto the following section:

"115. (1) In this section, "election material" includes instructions, forms, record books, index books, ballot papers, poll books and copies of Acts or regulations or portions thereof, and any other supplies.

(2) Any election material authorized or required for the purposes of or in relation to a by-election or Northwest Territories elections by any Act providing for the election of members of the House of Commons may, in lieu of the election material authorized or required by any revision of such Act, be used for the purposes of or in relation to any by-election or Northwest Territories elections held before the first general election next after the coming into force of such revised Act; and references in election material so used to any Act, regulation, rule, schedule or form or any part or provision thereof shall be construed as a reference to the corresponding Act, regulation, rule, schedule, form, part or provision thereof in force upon the coming into force of such revised Act."

#### Explanatory Notes

Clause 18. New. To provide for the use of existing election material at a by-election or Northwest Territories elections that may be held after any reenactment of the *Canada Elections Act* such as the revision of the Statutes of Canada.

At 12.30 o'clock p.m., on motion of Mr. Carter, the Committee adjourned to the call of the Chair.

A. Chassé,  
Clerk of the Committee.



## EVIDENCE

MARCH 10, 1955.  
10:30 a.m.

The CHAIRMAN: Gentlemen, we have a quorum, and I will call the meeting to order. As the first order of business, I should like to name the subcommittee on agenda: Messrs. Nowlan, Cardin, Hansell, Cavers, Zaplitny and MacDougall.

We have the minister with us this morning. We probably do not need a motion, but the minister would like to say a few words. Is that agreed?

Agreed.

Hon. ROCH PINARD (Secretary of State of Canada): Mr. Chairman, I wish first of all to express my appreciation to you and to the members of the committee for giving me this opportunity to make a brief statement before you proceed with your work.

The order of reference which was unanimously accepted by the House on February 25 is wider in scope than the orders of reference dealt with by former committees. It contains two different items, and the task of the committee is therefore twofold.

Firstly, the committee is to deal with its usual function of revising the Canada Elections Act. I am told that you have been already supplied with draft amendments as suggested by the Chief Electoral Officer. They are quite numerous, but it seems to me that none of them is of a very serious controversial nature.

As I said in the House, the Chief Electoral Officer has always discharged his obligations and the duties of his office as administrator of the Act in an objective and competent manner. For this reason I know that the committee will give to all of his suggestions very serious consideration, knowing in advance that none of his recommendations will be inspired by any wish to favour any particular group to the detriment of others.

There will be other suggestions made, and I know that they will be offered and studied in the same impartial way by the members of the committee. For instance, I read with some interest a suggestion made by a certain Mr. Michael Engel, of Montreal. There is no doubt in my mind that this Mr. Engle had quite an angle. Just how far we can go in this field remains to be seen.

I think I expressed a view which is generally accepted when I said in the House that one of the guiding principles that has inspired the activities of similar committees in the past has been to consider favourably any constructive suggestion for the extension of the right of franchise under the Act.

I think that the committee would be well advised if it did again this year consider this matter very seriously. As many Canadians as possible should vote, and whenever circumstances will allow, as many of those who are deprived of that right of franchise because of special conditions should be offered the facilities enabling them to exercise that privilege.

In the first place, there are these Canadians residing in Canada who, because of the nature of their work or for other reasons, are not in a position to vote even if their names appear on the list. Facilities have already been made available for a number of these, but I wish to draw your special attention to a class of Canadians residing in Canada who also wish to take advantage of our Act in the conduct of elections in their section of the country. I refer to those Canadians living in the Yukon Territory.

In 1951 an amendment was made to the Canada Elections Act empowering the Chief Electoral Officer to act as the electoral officer in charge for the election of the members of the Northwest Territories Council. The successful experience of two elections held in the Northwest Territories under the amendment has convinced the Yukon Council to accept the same procedure in the case of the Yukon Territory. The government at the suggestion of the minister in charge, the Minister of Northern Affairs and National Resources, has decided to act accordingly and, if it is accepted, the Chief Electoral Officer will again act in the case of the Yukon Territory as electoral officer in the conduct of elections in that section of Canada. As a result, you will be asked to amend the Canada Elections Act in the same way as was done in the case of the Northwest Territories.

There are also the Canadians residing abroad who must be looked after and for whom facilities could possibly be made available. This group of non-resident Canadians may be divided into four classes:

- (1) Canadians residing abroad who are not in the public service;
- (2) Canadians abroad who are members of the public service, such as the officers of our missions in foreign countries or in countries of the Commonwealth;
- (3) Members of the armed forces abroad. This class has been taken care of under special regulations;
- (4) Wives of the members of the Canadian forces who reside abroad with their husbands.

The committee will, no doubt, wish to give to all these Canadians special attention so that they may benefit, if possible, from this right of franchise which should be to them as essential as it is to ourselves.

After your work has been done in relation to the Canada Elections Act, you will then consider the other item on the order of reference, the problem of the adjustment of representation. I know that this important part of your responsibilities will also be discharged by all of you in an effort to give serious study to the different methods of effecting redistribution.

If I can be of any assistance to the committee, I offer in advance my full cooperation. If there are any questions which I am in a position to answer, I shall be glad to do so.

Mr. MACDOUGALL: In connection with what the minister said with respect to the Yukon Territory, I presume that he would also include the Mackenzie river.

Hon. Mr. PINARD: I think it would be best, if the committee agrees, to get the assistance of the Department of Northern Affairs and National Resources. However, I am informed by the Chief Electoral Officer that the Mackenzie territory is already taken care of under the Act.

The CHAIRMAN: Are there any other questions? Does any member wish to ask the minister anything arising out of his remarks?

Mr. CARTER: I have no question arising out of his remarks, but while he was speaking I recalled a recent news item which mentioned a new mechanical device for balloting. Has any thought been given to that?

The CHAIRMAN: The committee will consider that.

Hon. Mr. PINARD: I do not know to what the hon. member refers, but I should suppose that the committee would bring it up if it wished to study it.

The CHAIRMAN: Is this not the matter to which the Minister made reference in regard to running a lottery?

Mr. CARTER: No, it is not that at all. It is some sort of invention, a voting machine, which does not require the voter to mark a ballot.

Mr. CAVERS: Those things are used chiefly in municipal elections, I believe.



The CHAIRMAN: That will come up as we go along to the Act and to the section of the Act dealing with that particular thing.

Thank you, Mr. Minister, for coming this morning; and thank you for your remarks. I am sure we all listened with interest.

Now, the first thing with which we might deal, is, as you know, the first part of the business, which is to take up the suggested amendments to the Canada Elections Act.

The minister has brought forward suggestions here this morning or made some comments on extending the franchise to Canadians living outside of Canada. I think we might have to agree in principle on that this morning before we start consideration of the amendments to the Act. I think maybe we might have some discussion about that this morning, whether we wish to agree in principle with it or to disagree. I think we should make a decision whether we are to consider that or not.

Hon. Mr. PINARD: Mr. Chairman I already suggested that consideration could also be given first to Canadians residing in Canada who are deprived of their rights of voting under special circumstances; and then we could deal with possibly—I do not want to give any directions—but possibly we could deal with that first before taking up Canadians residing abroad.

The CHAIRMAN: Yes, and particularly having regard to the Yukon Territory. I think we should decide that in principle before we go on to the amendments of the Act.

Mr. POULIOT: This refers to civilians?

The CHAIRMAN: Yes.

Mr. POULIOT: Could you give me approximately the number of civilians at the present time who are outside of Canada?

The CHAIRMAN: I think possibly we will take up the matter in regard to the Yukon Territory as our first order of business. To do that, I suggest, it would probably save time and give the members a lot of information, especially if the Chief Electoral Officer might say something in that regard.

**Mr. N. J. Castonguay, Chief Electoral Officer, called:**

The WITNESS: Mr. Chairman, in 1952 parliament gave me the power or responsibility of running the elections for the Northwest Territorial Council.

We have had two elections since then, and now, from what I understand, the Yukon Territorial Council would also like to hold their elections under the provisions of the Canada Elections Act. Their elections would be conducted under the Canada Elections Act with certain modifications which would have to be made because of circumstances in the Yukon, such as their qualifications of electors, and their qualifications for candidates. But in substance, with these exceptions, our Canada Elections Act, would apply to elections to the Yukon Territorial Council.

Briefly, that is the whole matter. They wish to have the Canada Elections Act apply to their elections and such elections administered by me.

Mr. CHURCHILL: How do they run them now?

The WITNESS: They run them themselves. They have their own regulations and electoral officer.

The CHAIRMAN: Does any member wish to make a comment?

Mr. MACDOUGALL: It is part of Canada and I can see no reason why, just because of their geographical position, that they should be excluded from being governed by the Chief Electoral Officer of Canada. So it seems to me a logical thing that they should have this.

Mr. NOWLAN: It is more like the provinces.

Mr. PALLET: What particular purpose would be served by their coming under this Act?

The WITNESS: I am afraid that the only thing I know about it is that I was asked if I would have any objection to conducting the elections in the Yukon Territory in the same way as I do it now for the Northwest Territorial Council. I said I had no objections and I was prepared to do it if parliament approved.

The benefit would be—some people might call it a benefit—that at least their elections would be run under the Canada Elections Act, and they would be administered by me. I am not competent to answer the other matters.

Hon. Mr. PINARD: I think it would be a good idea if I interjected to suggest that possibly somebody from the Department of Northern Affairs might explain the conditions there and outline to the committee the reasons why they themselves made that suggestion. I understand that the suggestion was made by the Yukon Commissioners themselves. They saw what the experience was in the Northwest Territories and they seemed to be fully satisfied with the Chief Electoral Officer administering our Act, and they seemed to feel that he should be empowered to look after their elections. They feel the same thing could very well be done in the case of the Yukon Territories. So it might be a good idea, if the committee wishes, that somebody from the department should come and explain the background of this and give the committee every possible information as to why the department considers it should be done.

Mr. ZAPLITNY: Mr. Chairman, I understand that representations have been received. I wonder if they could be tabled?

Hon. Mr. PINARD: Yes. That is what I had in mind when I suggested somebody from the department could appear before this committee. I spoke to the minister about this and he has assured me that, if the committee wishes, somebody from his department could appear here and give every possible information available under the circumstances. I am not in a position to say exactly how it came about, but I know that the Yukon council itself has accepted that suggestion. Should I go further and say they themselves have suggested it, I am not sure. I think it would be the best thing for the committee to suggest that somebody from that department come here.

Mr. ZAPLITNY: I gather that there is no objection at all to hearing the explanation. I was wondering if this committee could have the actual representations tabled so we could see what they are asking for.

Hon. Mr. PINARD: If the minister in charge of the department sees no objection this could be done. But I would suggest that your steering committee might study the possibility of asking someone from that department to come here.

The CHAIRMAN: Is that agreed?

Agreed.

The next thing then is the franchise to Canadians living outside of Canada. The minister mentioned that there were four classes. They come into four classes, these Canadians in the public service of Canada, and Canadians not in the public service of Canada. The armed forces are already taken care of, and the wives of members of the armed forces, living abroad. What are the views of the committee in regard to extending the franchise to these Canadians living outside of Canada?

Mr. CARTER: In that category of people who are not public servants who are outside of Canada, they are everywhere all over the world. Are we going to limit them to any particular countries or specific groups?



The CHAIRMAN: I am not too familiar with it. I think I will have to call on the Chief Electoral Officer to express his views on the thing. He is familiar with these things.

Mr. CAVERS: Would those votes be tabulated to the constituency in which they had last lived when living in Canada or would they be entitled to say where they would be tabulated?

The CHAIRMAN: I think we should decide whether or not we are going to do it and then work out the details later when we come to the section of the Act.

Mr. CARTER: Could we have some information on my previous question?

The WITNESS: My predecessors and I have explored every avenue to provide extra facilities for Canadian citizens and British subjects to vote in this country and outside of this country. They arrived at the same opinion I have that our electoral system now does not permit providing these facilities to Canadians serving outside of the country because this would be mechanically impossible. It has been suggested that other countries of the Commonwealth do it, but I must remind the committee that in all other countries of the Commonwealth they have permanent lists, permanent electoral rolls, and with the permanent electoral rolls you have the basis for providing the mechanics to give extra facilities for persons to vote who are not only absent from the country but are also absent from their own polling division, within their electoral district or outside of their electoral district in Canada.

Mr. POULIOT: Mr. Castonguay, if you will permit me, I suppose, there is a group of Canadian citizens or British subjects in the United States and Canada who do not belong to the armed forces and an election comes along and naturally those who live in Canada are informed about the issues of the election. How could people who live outside be informed about the issues in Canada? Do they read papers? If they read a paper it might be a liberal paper with liberal information, or if a conservative paper with conservative information. Probably they would know nothing about the issues in Canada. I have some relatives who live outside Canada to whom I send *Hansard*. How do those who do not get *Hansard* know the issues? Some of those people who spend 5 or 10 years outside of Canada know nothing about the conditions in Canada and they would be making a blind vote. This is my first objection. In the second place, they have to be registered at the Canadian Embassy overseas and how can you figure it out. It will give more work to the embassies checking it. There may be a lot of people from Temiscouata who may live in Indonesia or anywhere else. Will I have to send circulars to them to inform them about the issues in the campaign here? In Canada we listen to the radio and read the papers we like. It is not the same thing for those who live outside. We have the British subjects and the Canadian citizens. A British subject has a right to vote here after he spends four months in Canada before the election time. Will he be entitled to vote in our election by being informed by the *London Times* which gives no information about Canada?

The WITNESS: I cannot answer those questions. I am not advocating that this system be adopted. I am merely explaining the mechanics it would take to provide extra facilities for electors to vote who are absent from their polling divisions in Canada or outside Canada. I am trying to explain the change which would be involved if such facilities are to be provided.

Some members of this committee have been candidates at the election with permanent lists in 1935. I think you will recall that that one experience turned out to be a failure. They had also provided absentee voting in 1935 and that experience also turned out to be a failure. At the same time this system is working out satisfactory in other countries and I now wish to explain to the committee the mechanics involved. Taking the vote of people who are not

only absent outside Canada but absent from their own polling division in Canada first you need as a basis a permanent list. A permanent list requires a biennial, triennial, or quadrennial revision.

That is where they have these permanent lists. These revisions are a house to house canvass. To a permanent list you attach these facilities. The first is by a postal envelope very similar to the envelope supplied to members of the Canadian forces. For people absent from their home polling division within Canada, they are supplied with a ballot and an envelope and they write in on a ballot paper the name of the candidate for whom they wish to vote in their constituency, and that ballot is placed in the envelope and put in the ballot box. The returning officer takes these envelopes and mails the postal envelopes to the pertinent constituency, and when they arrive at the constituency the returning officer checks over his permanent list to see whether John Doe is an elector of that constituency; secondly he checks the signature on this application to see if it is the same as the signature on John Doe's original application for registration on the list. The next safeguard is to check the poll book of the poll where the elector would normally vote to see whether John Doe has voted at that poll. Having satisfied himself on these three safeguards, first if the elector is qualified to vote in the electoral district, secondly that the signature of the elector corresponds with the elector's signature on the original application to be put on the permanent list and thirdly to check to see whether the elector has voted at the poll where he would normally vote if he were not absent, the ballot is then counted. Those residing outside Canada apply to the returning officer of the electoral district in which they are qualified to vote for a postal ballot. That ballot is then mailed out of the country and it is up to the elector to get it back to the returning officer of his electoral district by a certain date. There is a time limit, and members will see that time is a factor. The envelope might not get back to be counted. But when the envelope comes back, the signature of the voter is again checked against the original application of the elector to be put on the permanent list and again the poll book is checked to see whether the elector has voted in the poll he would normally vote if he were not absent, and after these checks have been made, the ballot is then counted.

A system of permanent lists would involve at least biennial revision. Members will recollect that with the 1935 permanent lists any change in a person's status as an elector had to be notified to a registrar by the elector himself. He has to go to the registrar to have his name added or struck off the list. In all other countries where they have a permanent list, they have a biennial revision at least made by a house to house canvass by election officers. It is done in the same manner as an enumeration in this country. The annual turnover is quite large. From figures I have here from the last national registration you will find that the difficulty of compiling a permanent list is great. There are a large number of changes that have to be recorded: the number of people coming of age; the number of people moving from their constituency; the marriages, the deaths: they would amount to at least a 30 per cent change of your list. You have all those changes to make in your permanent list each year. It would be quite a difficult thing to do. I want to give you this information to explain to you that in order to provide a system to permit people to vote when they are absent from their polling division within Canada or absent from their polling division outside of Canada—the basis of that system has been found to be a permanent list, and any country which provides these facilities has a permanent list. On a national basis we are the only country in the Commonwealth which provides a list after the election is ordered. All the other countries I know of have the permanent system of lists and that is the basis for all the extra voting facilities they provide for their citizens.



Mr. POULIOT: Do you not find that your task is heavy enough as it is?

The WITNESS: I am not advocating the adoption of this system, I am just trying to explain to the members the changes that would be necessary to provide extra voting facilities. Some people wonder why elections can be held in three weeks in England. The reason is because they have a permanent list. The electoral officer does not have to compile a list after an election is ordered. The list is always ready.

Mr. POULIOT: Take a British subject or a Canadian citizen who lives in Montreal and goes to Toronto. He votes in Toronto, he does not vote in Montreal.

The WITNESS: Under our present Act, Mr. Pouliot, if he takes up residence in Toronto and he is in residence at the date of the issue of the writ, he may vote in Toronto.

Mr. POULIOT: If he is there four months before the election.

The WITNESS: If he has residence in Toronto on the date of the issue of the writ he is permitted to vote in Toronto.

Mr. POULIOT: He is not only permitted, but he has a right to.

The WITNESS: That is the only place he can vote. But the only prerequisite for a British subject is he must be in the country for one year before the polling date. If electors change their place of residence in Canada they must have residence in a constituency on the date of the issue of the writ and it becomes the only constituency in which they are entitled to vote.

Mr. POULIOT: I come back to my first question. Will you tell me the gross number on the permanent list of 1934?

Mr. MACDOUGALL: While the Chief Electoral Officer is getting that information—

Mr. POULIOT: Let him answer my question.

Mr. MACDOUGALL: While he is getting the information. I could not agree more than I do with the hon. member for Temiscouata. Take the situation in my own city of Vancouver. Every day, in the city of Vancouver, for the 365 days of the year, there are more than 475 changes of address. If that occurs in Vancouver, I am quite sure that the same thing applies to the city of Montreal and also to Winnipeg and Toronto on a proportionate basis of population. Now, of this group of which we are talking, Canadians resident outside the confines of the dominion, the greatest percentage, apart from those already looked after in the armed services, are unquestionably residents of the United States. Now, for instance, take those people who have been in the United States previous to the last revision of the electoral code. They do not have the foggiest idea of what riding they live in. They might remember in a hazy way what riding they lived in 15 years ago, when they went to the United States, but how in heaven are they to know what riding they live in after there has been a redistribution and the boundaries have been changed? Possibly it is only a matter of two or three blocks in a large city riding, depending on whether they lived on the north side of such-and-such a street or on the south side. I cannot say that I entirely agree to loading our electoral officer with a problem that is, in my opinion, practically insoluble.

Now, remember this, that provincially in British Columbia we started a few years ago a policy of permanent lists. That was provincially, not federally. What happened to it? It was just like a dog tag. Every elector was supposed to be designated in the electoral office with a little brass tag. If he lived in Vancouver-Burrard during this election and decided to go into Cariboo, this little dog tag was supposed to be transferred to the riding of

Cariboo; and the same would apply to any other riding in British Columbia. There again, as the Chief Electoral Officer pointed out, the responsibility for keeping that list permanent and up to date was the responsibility of the individual elector. The upshot of that was this, that the individual elector did not care what the result was and there was a complete failure in the transferring of the permanent electoral list. You will find precisely the same thing will happen if you adopt some system of permanent rolls for elections in the dominion, which there would have to be in order to get any reasonable amount of those people. I use the United States as an example, because I think that most of our citizens would be there. It would mean an impossible task, especially, as the hon. member for Temiscouata has said, since many of those people are in the process of becoming American citizens and therefore naturally cannot vote as Canadian electors. If they vote, through ignorance, an unintelligent vote in a federal election in Canada, their American citizenship will be automatically cut off.

I think this whole thing is completely out of the question, and I certainly would oppose it in every stage through this committee because the responsibility of the electoral officer is impossible. He cannot make it work when there is no permanent list. Our present system of taking enumeration before the election is, in my opinion, the best system that we have ever devised in Canada whereby you will have the greatest number of Canadian electors voting on election day. That, above everything else, is, in my opinion, what a good Canadian citizen wants, that is what all the parties of the House want and the greatest number of their supporters want—that he vote. We can best attain that, in my opinion, through the method which we now have.

The WITNESS: I have the information for Mr. Pouliot. The number of electors registered in 1935 was 5,918,207.

*By Mr. Pouliot:*

Q. On the permanent list outside of Canada?—A. There were no lists compiled of electors residing outside Canada. The permanent list applied only to Canada, and there were no electors on such list who resided outside the country. The only Canadian citizens who have ever voted outside the country and for whom facilities have been provided to vote outside of Canada have been members of the Canadian forces. No one else has ever been provided with facilities to vote outside the country. During the last war the members of organizations such as the Y.M.C.A., Red Cross and other organizations providing amenities for the troops were given the privilege to vote with the Forces, but outside of these organizations no one has been provided facilities to vote outside the country. In 1935 it was strictly for electors residing in Canada.

Q. Take, for instance, the case of a Canadian who lived in Trois Pistoles and now lives anywhere in the United States. Since 1934, Trois Pistoles has been no longer part of Temiscouata. It is part of Rimouski. It belongs also to the provincial county of Riviere-du-Loup. If the Canadian who was a former resident of Trois Pistoles and who now resides in Nashua or Lawrence and writes to the registrar of Temiscouata county he will write to the wrong address. You did not answer my question, Mr. Castonguay, about the number outside of Canada. You have no information. How could those people who have been away from Canada for such a long time be informed of the issues at stake during a general election or by-election when they live far away and do not read Canadian newspapers? American and English papers mention nothing concerning Canadian politics except at times an item which is soon forgotten. How will they be informed so as to enable them to make an intelligent vote on election day?—A. I cannot answer that question.



Mr. ROBINSON (*Bruce*): It is a very interesting problem that you have on your hands. I begin to think that maybe it is too much of a package, because the greatest argument against it up to now has been about voting by people outside of Canada. My problem is not so much the people outside of Canada but people in Canada who during their lifetime are disfranchised about 95 per cent of the time. I come from a riding that has about 300 miles of coastline in it, on Lake Huron and Georgian Bay, and that means that we have many sailors there. I had occasion to drop a line to the secretary of the Wiarton Propeller Club asking him for suggestions regarding amendments to the Canada Elections Act so that these sailors would be able to poll a vote on election day, and also the number of sailors that were in that club. He has sent me a list of the sailors. There are 156 members in that one club in that one town. I venture to say that they are for 25 per cent of the time disfranchised. I had taken this up with the Chief Electoral Officer's father when he was Chief Electoral Officer, and he was very sympathetic. The present Chief Electoral Officer was also sympathetic. At that time they thought that the machinery for it would be too hard to set up. Probably with our new ways of doing these things there could be some machinery that would be able to work at the present time. I was very sorry to hear a member from British Columbia say that he would have no part and parcel of this amendment. Maybe it could be broken down.

The CHAIRMAN: I think that Mr. MacDougall was speaking on voting outside of Canada. There is no amendment, Mr. Robinson.

Mr. ROBINSON (*Bruce*): I think that this is too broad a discussion. It takes in outsiders along with our own people.

The CHAIRMAN: The question with which we are dealing at the moment is whether we are going to extend the franchise to Canadians living outside Canada, except the armed forces. I think that we had better deal with that now. Your point can be dealt with a little later.

Mr. ROBINSON (*Bruce*): The Chief Electoral Officer did mention the people that were in Canada but not in their ridings at a general election.

Hon. Mr. PINARD: I want to make it very clear that I do not necessarily advocate that we should go ahead and extend the right of franchise to all non-resident Canadians. I simply suggested that the committee might study that. That is what I understand is being done, and there is no suggested amendment to the Act to provide facilities for voting to non-resident Canadians other than the armed forces, who today are provided with such facilities. I did not advocate that an amendment should be made to the Act to include others. I think we all agree that we ought to try to extend the franchise as widely as possible, provided circumstances will allow. That is what is being done now; the problem is being studied to see whether other Canadians outside Canada can vote. That is the problem that the committee is presently studying. I just intervene now to state very clearly that I did not suggest that this should be done but just that a study of it be made.

Mr. RICHARD (*Ottawa East*): What facilities are provided for groups who are away from Canada at election time because of their duties for the government; for example, officials of the Department of External Affairs?

The WITNESS: Except for members of the Canadian forces, no voting facilities are provided to any other Canadian citizen outside the country.

Mr. RICHARD (*Ottawa East*): That is a problem, is it not? All these government groups that are away on all kinds of duties for the government might feel that they have a right to vote. It might be made easier for them to register a vote.

Hon. Mr. PINARD: In other words, if I may suggest this, in the case of foreign service officers, most of them are not out of Canada as a result of their own choice. They are posted overseas. So a study might be made of the possibility of extending the right of franchise to foreign service officers if it does not necessitate the preparation of a permanent list in their case.

Mr. POULIOT: I understand very well Mr. Robinson's view and what he said with regard to those people who have their families residing in Bruce county. That is a very different case from that of people who live away with their families. How could we ascertain that they will remain Canadians? There may be a small proportion. At the present time it seems to me that this discussion is irrelevant, because it is premature. My idea of the holding of elections is that the election shall be made by those who live in Canada, with the exception of the armed forces. The privilege is given to the Canadian armed forces because that is a special class. There is a special machinery for registering their vote overseas; the vote in those cases can be checked when the envelopes are given to the officer in charge of the unit. That is entirely different from correspondence from individuals who have left Canada with their families. We do not know where they are and we cannot try to look for them. We do not know whether they are registered. To summarize the whole question, I am in favour of having the vote taken in Canada by Canadians who live here, but making an exception only for the armed forces and in special cases such as that mentioned by Mr. Robinson for people who may be outside of Canada for a few days but whose families are still residing here.

Mr. RICHARD (*Ottawa East*): Mr. Chairman, I am not proposing anything, but I am still talking about this group of public servants who are not in the armed forces but who temporarily—maybe for a year or two years—are absent from Canada on government duty, perhaps as employees or as officers in embassies or missions or other government activity. That is quite different from a man who is residing for pleasure or on business outside Canada.

The CHAIRMAN: I think we should give consideration to categories such as sailors who wish to tabulate a vote. I think that possibly the same facilities may be set up for External affairs employees, who sometimes are away only during the elections.

Mr. ZAPLITNY: I should like to make a suggestion, with your permission, Mr. Chairman. It might result in a more orderly consideration of the matter. There are four main categories of people living outside Canada. For some of those, suggested amendments are available. For example, the armed services and, I would assume, their wives. For the others there are no suggested amendments. I would suggest that, if we are going to discuss the category who are not public servants and not in the armed services but are living outside Canada, it should be done on the motion of somebody in the committee who feels that that should be done. I would suggest that whoever raised it should make a motion and that we could have a discussion on that motion, complete the discussion, and then go to the next subject. If we do not do that, I am afraid that we are going to be jumping from one category to the other and we will finish up by making no decision at all. I make that suggestion because I think this is rather important. I would suggest that we begin with the first category mentioned, that is, persons living outside Canada who are not in the public service and not in the armed services. If someone wishes to make that motion—I personally do not wish to—I would be very glad to hear it.

Mr. HOLLINGWORTH: I will defer to Mr. Zaplitny to permit some discussion on this and make a motion.

The CHAIRMAN: He has not made a motion.



Mr. CHURCHILL: I suggest that this matter be referred to the steering committee. It is a larger problem than appeared when you introduced it. Let the steering committee decide what is going to be the order of procedure. I thought that this committee would perhaps deal with the amendments proposed by the Chief Electoral Officer. There must be 20 or 25 other problems that we might come to later on.

The CHAIRMAN: I think that this was brought about to decide in principle, and when we come to the amendment we could deal with it then. I think that the suggestion is a good one. A motion has been moved by Mr. Churchill, seconded by Mr. Nowlan, that this matter of extending the franchise to Canadians living outside of Canada be referred to the steering committee for action. All in favour say "Yea", all to the contrary "No".

Carried.

The next order of business is the suggested amendment to the Canada Elections Act. I will leave this to the choice of the committee, but I would suggest that it would save much time if we go through the Act and take it section by section. There will be some sections about which there will be no discussion whatever, but I think that by doing it in this way we will get along in a more orderly fashion and save time in the long run. Is it agreed that we take the Act section by section?

Agreed.

Section 1. This is just the title. First of all we have got to work both from the Act itself and from the draft amendments. We have to work on both books together. Section 1, as I say, is only the title. This Act may be cited as the Canada Elections Act. I think that is agreed.

Section 1. No change.

Mr. ZAPLITNY: Mr. Chairman, may I suggest that when these sections are called, reference should be made to any amendment which may be proposed, in case some of these sections should slip by.

The CHAIRMAN: Yes, they will be called. Subsection 14, of Section 2, is the first to be dealt with. Mr. Pouliot has a letter to the committee.

Mr. NOWLAN: Are we dealing with the suggested amendments?

The CHAIRMAN: The first one we have is subsection 14, of Section 2 and if Mr. Pouliot is not here now we could let that stand until later if members of the committee wish.

Mr. NOWLAN: I think our understanding was that we were going to go through the recommendations of the Chief Electoral Officer first and deal with them in toto, and then go back to deal with the mass of letters which were filed the other day.

The CHAIRMAN: Another suggestion has been made that we should deal with these matters as they come along.

Mr. NOWLAN: The Chief Electoral Officer told us they were all technical in nature, and we all have confidence in him, and I think we could clear this up more quickly than if we started to deal with some matters of principle suggested by third parties.

The WITNESS: The difficulty is that there are several suggestions from the public, candidates, members of the committee and others which, if accepted in principle, would affect some of my amendments.

Mr. NOWLAN: I don't think we should deal with them until we see them all printed.

The CHAIRMAN: That is right. It is a very good point. We have not got a copy of this letter with us, because it has been sent to the printing bureau in preparation for use as an appendix to the committee's proceedings. I think it would be better that we should go through the sections.

Clause 1, dealing with Paragraph (b) subsection 15 of Section 2 of the Act is the first for consideration. Do any members wish to make some comments on it?

The WITNESS: I have no remarks to make other than those contained in the explanatory notes.

Mr. PALLETT: How can we deal intelligently with the recommendations of Mr. Castonguay and the letters without having them both before us? We shall have to rehash the whole thing again later on.

I think we had better deal with the recommendations first. We could then pass to our discussion.

Mr. ZAPLITNY: May I make another suggestion Mr. Chairman, that is that we go through these suggested amendments in relation to matters on which no recommendations have been received. We could proceed with those, and come to a decision. When we come to suggested amendments on which representations have been made, we could let them stand.

The CHAIRMAN: Very well. Is that agreed? Then we will follow that procedure.

Clause 1, subclause 1.

Agreed.

The WITNESS: I have some remarks to make about subclause 2. The Act now provides that the judge of a county court or a judicial district is responsible for the revision and the official recount. The judge also appoints substitute revising officers in the urban electoral districts. It was my experience in the last election that sometimes a senior judge was ill in hospital and there was no means of appointing substitute revising officers, or replacing substitute revising officers because under the present provisions the next senior judge cannot act in such capacity. This amendment, however, will authorize the next senior judge to take on this responsibility when the senior judge cannot. There are also some electoral districts in which a judge was absent from the judicial district, and the judge appointed to carry on his duties during his absence could not, under the present provisions, perform the duties required by the Canada Elections Act. We are proposing therefore that the Minister of Justice be given the power to designate a judge to act when these situations arise. That is the sole purpose of this amendment to sub-clause 2 of clause 1.

Agreed.

Mr. ZAPLITNY: May I ask whether any representations have been received in connection with this particular amendment.

The WITNESS: No, there were no representations received. Just the difficulties I had with this particular problem in the last election.

The CHAIRMAN: Clause 2 stands until we deal with clause 10.

Clause 3 stands until we deal with clause 32.

Clause 4.

Hon. MEMBER: Should it not be clause 3?

The CHAIRMAN: It has to stand until we deal with clause 32. We cannot pass it now because it has a bearing on clause 32, so it has to stand for the moment unless you want to go back and make a reference to it now. It would be better, I think, to go back to it after we come to clause 32.



Mr. CARTER: What is the purpose of Clause 4, Mr. Chairman?

The WITNESS: The statute revision committee made a slight error in changing the intent of that section and this amendment will restore the section to what it was previous to the changes made by the statute revision committee.

Mr. NOWLAN: I do not wish to be technical on questions of draftsmanship, but I do not recall ever having seen a reference before to "all that portion". Such a phrase might be better applied, perhaps, with reference to a portion of a pound of tea. I would have thought some other words would have been better.

The WITNESS: All these amendments were passed on by the Department of Justice, and this was their form of drafting.

Mr. NOWLAN: That does not increase my respect for them. That is the reason why you are in this trouble now, because the draftsmanship was so sketchy. However, I am simply reading the wording, I am not objecting to it.

The CHAIRMAN: Then clause 4 is agreed to.

Clause 5 has to stand until we deal with clause 32.

Clause 6, sub-clause (1).

The WITNESS: This is a mistake which has been in the Act for some time. Those words, upon its face, can be correct if there are only about 40 names on the list. The certificate of the returning officer will appear on the front of the list, but as you increase the number of names the certificate is on the last page, so the amendment is just remedial in that sense.

Agreed.

The CHAIRMAN: We are now on sub-clause (2).

The WITNESS: The amendment is to provide me with the authority to have lists of electors either mimeographed or typewritten in electoral districts where there are no printing facilities, and where, particularly in the electoral district of Burin-Burgeo we have been unable to have the list printed for the last two general elections. This will perhaps come up only in cases of emergency, but it will be most useful to be able to reproduce these lists, either through mimeographing or typewriting, so that they may be supplied to the candidates for election purposes.

Mr. CHURCHILL: You may have printing facilities and still not be able to get the work done in the time allotted.

The WITNESS: Yes. We have this difficulty. I know at the last general election there was one constituency where there were no printing facilities, and the list was returned unprinted, and I know of another place where we had to scramble to find a printer to do the work. There are occasions when lists do come in, too late to print, especially in remote and sparsely settled electoral districts, where if lists are received in sufficient time before polling day they can be mimeographed or reproduced, and they can then be given to the candidates. Primarily this is to give me authority to have the lists mimeographed when there are no printing facilities and time does not permit them to be printed. Also in remote places we can have them mimeographed and given to candidates before polling day. I do not want to use this power to have the lists printed in this way after polling day.

Mr. NOWLAN: My point is would this permit you to have it mimeographed where there are printing facilities existing but there is no time?

The WITNESS: Yes, it will.

Agreed.

The CHAIRMAN: Sub-clause 3 is consequential to the amendment in clause 1 which has just been agreed to. It deals with Rule 17, schedule A of Section 17 of the Act.

The WITNESS: The only change of substance there is that where there is no judge the Minister of Justice shall appoint such judge,—where there is no judge in a judicial district.

Agreed.

Mr. PALLETT: What is the purpose of amending rule 23?

The CHAIRMAN: We have not got to that yet.

Page 4, rule 20, schedule "A" of Section 17 of the Act. Any remarks on that?

The WITNESS: Rule 20 as it presently stands provides that the returning officer shall, as soon as he conveniently can after the receipt by him of notice of the issue of a writ for an election in his electoral district, group together the urban polling divisions comprised in his electoral district into revisal districts, each containing such number of urban polling divisions as the Chief Electoral Officer may direct, and shall prepare descriptions of the boundaries of such revisal districts.

I have been stretching that a bit; in fact I wrote to returning officers the issue of writs to revise the polling divisions and group them into revisal districts. It seemed necessary to have this amendment in order that I must have this work done before the writs issue. It is necessary so that we will be able to ascertain how many revisal officers are required for the purposes of an election. As it is now I do give instructions to returning officers prior to the general election to revise the polling arrangements of their constituencies and at the same time I wish to instruct them supported by Statute to establish their revisal districts so that the preliminary work is all done before the issue of the writs wherever possible.

Agreed.

Mr. PALLETT: As a matter of administration, how do you know ahead of time who your officers are going to be?

The WITNESS: Returning officers are appointed on a permanent basis and they can only be removed for cause. They are appointed pursuant to section 8 of the Act and may only be removed by the Governor in Council for cause. If a man is over 65 or if he ceases to reside in the constituency, he may be removed from office, but his appointment is on a permanent basis. We have a turnover of about 80 returning officers at every general election, returning officers who resign or who have died.

Mr. PALLETT: About 35 per cent?

The WITNESS: Where there is a vacancy I try to have that vacancy filled as soon as possible.

The CHAIRMAN: Sub-clause 5 of clause 2.

The WITNESS: I received representations from returning officers to the effect that if they put the full description of the revisal district in the notice it would be about 15 to 20 feet long, and they suggested to me it might be sufficient just to put the numbers of the polling divisions instead of putting the long description on the notice, so I am submitting that suggestion to the committee now for consideration.

Mr. CAVERS: Is that sufficiently descriptive to enable the people to know that the revision has taken place in the district in which they reside?



The WITNESS: Yes. All it does is give in the notice of revision, the days of revision, the hours of revision, the name of the revising officer, the address where he will sit, the hours he will sit, and a description of the revisal districts in the constituency.

*By Mr. Nowlan:*

Q. Where will a person be able to inquire should he wish to have this information made available to him?—A. In every urban polling division we send a list of electors to each household, generally speaking, and if it happens that a person does not receive one, then his neighbour may have received one, or he can inquire from his neighbour, or phone the returning officer, or contact the political parties.

Q. There is an arrangement, is there, under which political organizations can get a copy of the description of the boundaries?—A. Notice of revision is sent to each candidate.

Q. What I am getting at is this. You suggest we do away with this long detailed description, and you may be right in that, but it has got to be available somewhere, at least for the political organizations.—A. As soon as they have finished their revisions, my instruction is to supply all the candidates and recognized political organizations in the constituency with a copy of the descriptions of the polling divisions and the revisal districts.

Q. Is it the practice that political organizations anyway would get a copy of the description of the boundaries?—A. Notices of revision are sent to each candidate.

Q. You say—and I think you are probably right—that these long detailed descriptions should be omitted, but they have to be available somewhere, at least for the political organizations.—A. As soon as the revision of the districts is finished we supply to the candidates or the political organizations in the constituencies a copy of the descriptions of each polling division and a copy of the descriptions of the revisal districts, as a matter of practice. Each candidate is also entitled to receive a certain number of copies of the notice of revision.

Mr. CARTER: With regard to these revisal districts, would that be practicable in a coastal area like mine?

The WITNESS: This applies only in a constituency with urban polling divisions.

The CHAIRMAN: Does subclause (5) carry?

Mr. CHURCHILL: What about rule (24)?

The CHAIRMAN: That is consequential to rule (26).

Subclause (6). Rule (26) of Schedule A to Section 7 of the Act.

The WITNESS: This amendment represents a small change in the method of revision in urban constituencies. It is set up for Monday, Tuesday and Wednesday, the 21st, 20th and 19th days before polling day, so that on those three days, notices of objection are sent to electors by the revising officer. An elector may go before the revisers officer to object about a name on the list. Then a notice is sent by registered mail to the person who is being objected to. During the actual sitting for the revision, the question of whether, the name of such elector should stay on or go off the list is dealt with by the substitute revising officer. That is dealt with on Thursday, Friday and Saturday. On the Monday, Tuesday and Wednesday, notices can be sent to the electors only. They do not deal with them until Thursday, Friday or Saturday. What I am proposing here is that we do away with those first three days, Monday, Tuesday and Wednesday, and that on Thursday and Friday notices of objections be sent to the electors, and that on the following Tuesday the revising officer will sit to deal with the notices of objection, and that the notices of objection will not be dealt with on the Thursday, Friday and Saturday.

Now, there are two reasons why I am suggesting this: At present these lists are mailed on the Saturday previous to the Monday when the notices of objection are sent. Also the printers have to have a period of about 14 days to print the list. Invariably, on the Saturday the political organizations and the electors have not a chance to examine the lists before those three days begin. Throughout the whole of Canada, in all the polling divisions in this country, only 1,800 names were struck off the urban lists at the last general election. The reason for making it Tuesday only is that these notices have to be sent at the latest by Friday and you have to give time for them to reach the electors. If it were Monday, it is conceivable that the electors might not have received them by registered mail in time, but by holding it on Tuesday the notice will have arrived and the electors will have an opportunity to appear if they so desire. By the way, the onus of substantiating that a person's name should not be on the list rests with the person making the objection, but the person may appear, if he so wishes, before the revising officer.

With the proposal, I believe that more time will be allowed for the public and for candidates and political organizations to scrutinize the lists before the sittings of revision begin. By dealing with the notices on the following Tuesday, on the one day, I think that there is ample time for the revising officer to deal with these notices of objection. Considering the number that we had at the last election, dealt with by 700 revising officers, I think that one day is ample. If in any particular revising district the traffic is such that one day is not sufficient, I have powers under section 99 of the Act to extend that time, but on the whole I think that one day is sufficient. This suggestion was made by Judge Forsyth of Toronto. It is in one of the letters here. He recommended this change, not in its complete form. He suggested that the revising officer deal with the notices of objection on Monday. I thought that Monday would be too soon for the mail facilities to reach the elector who has been objected to. By making it Tuesday, every letter posted by registered mail certainly would have reached the electors concerned by Monday, and he has Tuesday to appear before the revising officer if he so wishes. All this applies only in urban polling divisions. I have every confidence that this will be successful because the traffic that revising officers have had to deal with in the past does not indicate that they will be unable to deal with these matters in one day. At present the revising officers must sit for one hour only on each of the three days from 10 to 11 a.m. On this Tuesday they have to sit for the normal hours, from 10 to 11 a.m. and from 7 p.m. to 10 p.m., that a revising officer normally sits on Thursday, Friday and Saturday. So the actual amount of time is the same, but that time is confined to one day.

The CHAIRMANS Is subclause (6), rule (26) agreed?

Agreed.

We go back to rules (23) and (24). That is in subclause (5) at the bottom of page 4.

The WITNESS: That refers to the five copies of the notice of revision mentioned in rule (23). The only changes are that the words "mentioned in Rule (23)" have been added and the word "three" has been deleted in the last line.

The CHAIRMAN: Shall rules (23) and (24) carry?

Agreed.

Subclause (6), rule (27).

The WITNESS: That is the same principle previously accepted. If you accept the principle of changing the sending of notices of objection to Thursday



and Friday, and the objections to be dealt with on the following Tuesday, then this amendment is consequential to the acceptance of this principle. It is just a change of days.

The CHAIRMAN: Is rule (27) carried?

Agreed.

Rule (28).

The WITNESS: It is the same change.

The CHAIRMAN: Is rule (28) carried?

Agreed.

Subclause (7), dealing with rule (32).

*By Mr. Churchill:*

Q. What is the procedure if the revising officer is not sitting during the evenings of Thursday, Friday and Saturday or if he goes home?—A. The Act places the responsibility for the revision of urban lists squarely upon the judge. Whenever complaints of that nature are made to me, I inform the judge that the substitute revising officer is not carrying out his duties. I think that the principle of placing responsibility on the judge is to have the matter controlled locally. The judge appoints the substitute revising officers. A complaint of that nature should be made to the judge, and the substitute revising officer would sit.

Q. But it becomes too late. If you are attempting to put the names on Saturday night, and the revising officer is not there, then what do you do? You are too late.—A. I do not know what can be done beyond extending the period of revision.

Q. While we are reviewing this, could you think up some means of making it possible to deal with that situation? A complaint can be laid afterwards, and the revising officer can be dealt with, but getting the name of the elector on the list is the important point at that moment.—A. Possibly the only way to deal with it is to send me a telegram and I will get in touch with the judge right away. If a complaint were lodged with me that the revising officer was not sitting on Saturday night, I would extend that period of revision to the following Monday, so that those names could be dealt with. I have the power to extend the period of revision. If a revising officer failed to sit on Saturday night and for this reason names could not be added to the list, I would extend the period to Monday and make him sit on Monday.

Q. When are you on duty?—A. 18 hours a day for 60 continuous days, including Sundays. I do not think anybody has had any trouble reaching me during the last election, nor my predecessor when he was in office.

The CHAIRMAN: Is rule (32) carried?

Agreed.

Subclause (7), dealing with rule (33).

*By Mr. Zaplitny:*

Q. I notice that rule (33) refers to an application for registration being made by an agent, and the word "agent" appears in the other rule. I wonder if the Chief Electoral Officer could tell us how wide that term "agent" is in this context? Is it restricted in any sense, or can any person appear?—A. Any elector of the electoral district may appear as an agent.

Q. Provided he is a qualified elector?—A. Provided he is a qualified elector.

The CHAIRMAN: Does subclause (7), rule (33) carry?

Agreed.

Subclause (8), dealing with rule (36).

The WITNESS: The only change is to Tuesday.

The CHAIRMAN: Does rule (36) carry?

Agreed.

Clause 7, "Proclamation by returning officer."

The WITNESS: With regard to this particular problem, it seems that in the last two elections the writs were issued on a Friday. Under the present provisions the returning officer is required to print and distribute those proclamations within 48 hours after telegraphic notice of the election. At the last general election the writs were issued on Friday and some printing establishments were not open on Saturday. I might say that the history of this provision was that it used to be that on receipt of the actual writ he had 48 hours to print the proclamation. The writ was mailed to the returning officer and a period of time would expire between the sending and receiving, but now a telegraphic notice is sent by the Chief Electoral Officer, and the returning officer cannot comply with this provision. We want to give the returning officer the time to obey the law.

The CHAIRMAN: Is clause 7 carried?

Agreed.

Clause 8. Stands.

Clause 9. Stands

Clause 10: Sub-section (6) of Section 31 of the Act "Central polling place"; "Polling station in adjacent polling division".

The WITNESS: With regard to clause 10, the present provision of the Act enables me to authorize central polling stations in incorporated cities and towns with a population of 10,000. This problem exists in cities with a population of over 10,000 now, because at the last general election and the one previous it was very difficult to find a polling station within the limits of the polling division. More and more the returning officers are finding difficulty in securing adequate premises for polling stations within the respective polling divisions. So I would suggest and I am submitting for your consideration that this power be extended to me in all cases.

Mr. PALLETT: That would have the effect of making the elector travel some distance to vote.

The WITNESS: It is subject to my approval. I would not authorize it if it were possible to find premises within the polling division. That is the guiding principle that I try to instil in all returning officers, to try to find a polling station within the polling division. However, it is not as easy as it was before the war. On a rainy morning people do not want to find 200 people tramping through their homes. If it begins to rain on Monday they refuse to let people in the house and another polling place has to be found. I feel that I need this power, because we ran into a great deal of difficulty at the last general election with that problem.

Mr. CHURCHILL: What do you mean by "any locality"?

The WITNESS: Take, for example, the polling division surrounding a school. It would be the locality around such school.

Mr. NOWLAN: At the moment you are limited to cities and towns of 10,000?

The WITNESS: I am, but I must confess that we had to ignore this to some extent at the last election because we could not find suitable places for polling stations. We obtained the approval of all candidates in the constituency and we were able to get around this problem in that way, but I would like to have the statutory power to overcome these problems.

Mr. ZAPLITNY: Is it assumed that in the case where a polling place has to be changed at the last minute adequate notice will be given and it will be advertised or made known to the electors as soon as the change is made?

The WITNESS: The procedure we follow to advise electors depends on the time element. Should the location change for these reasons and there is time, a card is mailed to each elector telling them that the polling station has been changed. But in those cases that come up on the Monday morning before the poll opens we have signs printed and we usually try to instruct the polling officer to have someone there to inform the electors as they come to that poll to go to the other poll. We try to provide other facilities, but it depends on the time that we have on hand.

*By Mr. Churchill:*

Q. Normally you will establish a polling station in each polling division. In cases where that is difficult you pick a school or something of that kind?—A. Whatever is available.

Q. Can there be an arrangement whereby it might be suggested in some constituencies to use central places rather than these houses in each poll? Would you first exhaust the house situation before you apply this particular section?—A. I have always instructed returning officers to exhaust the houses first, because the more convenient the polling station is to the electors of the polling division, the greater facilities there are for the electors to vote in that polling division. But where local conditions and local customs and usage are such that people vote in a central place, we do not try to discourage those customs. Provincially and municipally there are established habits in voting, and where the local custom or usage is to have a central polling place and no one objects to it, we will allow that to continue, because we are not going to try to disturb the customs and habits of people who have voted in this manner for years and years. But we do try always to have returning officers wherever possible to establish a polling station within the limits of the polling division.

Mr. CAVERS: Can a polling place be established in a place other than a house—can it be set up in a garage, and so on?

The WITNESS: We have had them in trailers. We set them up wherever we can. In some very residential areas they will not even give you a garage. The situation is such that generally speaking whatever is available in the polling division is used.

*By Mr. Carter:*

Q. I have been wondering if it would not be possible to have a travelling booth. In my district, many people have to come from the Island perhaps as far as four or five miles away. It may be that women would have to row up in boats, and they cannot do it, but if we had a small travelling booth, it could take in all these places, and I think it would not cost any more than the present system.—A. Committees in the past have examined the question of travelling polls and I have observed that they have approached the subject in a very cautious manner, because a travelling poll is difficult to control. I recall one experience in Newfoundland, in one of the referenda, they had a cutter go up the Labrador coast. This cutter spent three weeks in that area among 2,000 offshore fishermen and potential voters, and only some 273 votes



were recorded. Their experience was that during the day time the fishermen would say: "We are too busy fishing, come back later." And later on, when it was night, and the cutter returned, the fishermen would all be asleep.

Q. I was not thinking of that kind of situation. I was thinking about a visit being made to one little settlement after another. We have people who have to row five or six miles to the booth which is not practicable, particularly if the day is stormy or windy. I do not see why you cannot have a little boat with a booth on it and then perhaps travel about 20 miles in the course of a day.—A. There would be difficulties—you would have to have agents on the boat and you would have very little control. If this situation exists, I would rather establish a polling station for the convenience of whomever, as you say, would have to row five or six miles. I am afraid the suggestion made would remove all the normal safeguards required for a polling station.

Q. In a settlement where there are only 50 people you do not need a day to vote.—A. In a settlement of 50 people we will put a polling division there.

Q. There are a lot of settlements where there are 50 people in my area who did not have one.—A. They must have been cases where the polling official was not looking after his work. A poll can be established for as few as seven or eight electors who would have to go fifty miles to vote. The returning officer has the responsibility of establishing convenient polling divisions for the convenience of the electors.

The CHAIRMAN: Subsection 6 of clause 10 dealing with section 31, of the Act, is agreed to?

Mr. PALETT: I am generally opposed in principle to the central polling place with this wider provision in the rules. I do not say you should not have a larger discretion since you suggest that a wide discretion is very important, but I am of the opinion that such discretion should be limited. I can conceive of circumstances where a mile might be a long way for a voter to travel in an urban constituency. Is there some way in which you could limit the distance in urban municipalities?

The WITNESS: It is not a question of discretion, but of the availability of premises for polling purposes.

Mr. PALETT: Sometimes it is a matter of convenience. If you tell your returning officers that they must secure premises, premises will be found. If on the other hand you say he can put the polling station four miles away, he will put it four miles away.

The WITNESS: As you know this can only be done with the prior permission of the chief electoral officer. The guiding principle which the returning officer must follow is to find a polling station within the division. I shall want to know if it is possible to find places before giving my permission. If you try to limit this it will be ineffective because this situation exists in constituencies of 60,000 to 70,000 people, as it does in the case of constituencies of 25,000 people. It exists in every urban constituency and more so in residential constituencies because people are not prone to rent their houses for polling places and we cannot even get garages sometimes.

Mr. NOWLAN: As long as we have the present Chief Electoral Officer I do not think we need to worry about administrative matters. I suppose the only limitation we could put on this would be to say that no more than a certain number of districts shall be grouped together. As it is, theoretically, in the city of Winnipeg you could make everybody in the city vote in one building.

The WITNESS: I could, but—

Mr. NOWLAN: I know, you would not do it. Would it not be possible, to allay any doubts, to say that the number grouped would not exceed, for example, 10 or 15, or 20 polling districts? I think it should be possible to put

a limitation on there as to the number of districts which should be included in any central polling place. That would also give you protection in case some local officer should try to put something over you.

Mr. CAVERS: I think it should not be more than five.

The WITNESS: I would like to bring some of the practical problems to the attention of the committee. I know of one case in Prince George. For instance, where you have enough electors for about ten polling divisions. They vote in the one place, the Central Community Hall, Prince Rupert; there is one voting place because of local practice. They prepare the lists alphabetically. People with surnames beginning from "A" to "C" vote in one compartment and so on. I do not think there are many places like Prince George where the centralization of more than eight or nine divisions occurs in one place. Five, I think, would be too low. It is all a matter of availability. If the places are not available I cannot commandeer a house or place within a polling division. It resolves itself, as I said, into a question of availability, and I know there may be some doubt about the availability of suitable places. I do not get many requests of this sort, but when I get them I try to find out whether there is solid grounds for centralization.

Mr. ZAPLITNY: At the present the Act says:

The returning officer may, with the prior permission, and shall upon the direction of the Chief Electoral Officer, establish in any city or town of not more than ten thousand population a central polling place whereat the polling stations of all or any of the polling divisions of such city or town may be centralized, and upon the establishment of such central polling place all provisions of this Act apply as if every polling station at such central polling place were within the polling division of the electoral district to which it appertains.

You do not have that limitation on availability, and I would suggest as a matter of general principle that you should put a qualification in there, and perhaps have a saving clause that if you were satisfied premises were not available you could go beyond it.

The WITNESS: If I may refer the committee to section 31 of the statute which you have before you you will see there that it is definitely stated that a polling station shall be established in each polling division. This is the situation. You have your primary condition there. The Act is quite clear. This is an exception which I do not think has been used very much. I do not receive many requests for it to be applied. I am not afraid of any abuse of this power by the returning officer.

Mr. NOWLAN: I would be inclined to think that ten are plenty.

The WITNESS: I will agree with that.

Mr. NOWLAN: With a saving clause that if nothing is available then you would have a further recourse.

The CHAIRMAN: Then this amendment is carried, subject to further amendment.

The WITNESS: Subsection 7 is next. We have a situation where a street divides the polling divisions—and it might not be possible to find premises to hold a polling station in one of the polling divisions while right across the street, in another division, suitable premises are available. That is you cannot get premises in one, but right across the street, you can get them in the other. This would give us power to establish a polling station in an adjoining polling division.

Clause 10 dealing with subsection (7).

The CHAIRMAN: Clause 11. This amends subsection 10, section 50 of the Act.

Mr. NOWLAN: I would like to ask a question here, though it does not fit exactly into the subsection itself. I want to know what is the situation about instructing deputy returning officers in dealing with spoiled ballots and rejected ballots. I know this subject comes up in section 50. In one case known to me, the deputy returning officer confused spoiled ballots and rejected ballots and as a result very often placed rejected ballots in the envelope designed or marked for spoiled ballots, and on a recount under the law the judge was not allowed to open the spoiled ballot envelope. Therefore if rejected ballots had been inadvertently placed in the spoiled ballot envelope they could not be counted on a recount.

I have known instances when various recounts in which I have acted where as many as five rejected ballots in one poll had been included in the spoiled ballot envelope either deliberately or accidentally and as a result the judge could not count them. I urge that we give very specific instructions to the deputy returning officer to make absolutely certain that the rejected ballots are placed in the envelope designed for that purpose and so avoid the confusion between them. They may be spoiled ballots or rejected ballots which many returning officers apparently thought amounted to the same thing.

The WITNESS: Every one of our election officers is in possession of a book of instructions which make it perfectly clear what is involved in the case of a spoiled ballot paper.

Paragraph 29 reads this way:

29. Spoiled Ballot Papers. An elector who has received a ballot paper may, before he has handed it back to the deputy returning officer to be put in the ballot box, obtained a second ballot paper on the ground that he has inadvertently spoiled the first. In any such case, the spoiled ballot paper will be handed back to the deputy returning officer by whom it will be defaced and placed, without being inspected, in the spoiled ballot paper envelope (Form 68). Within reasonable limits the word of the elector that he has spoiled a ballot paper will be accepted. An elector's right to obtain another ballot paper in lieu of one he has spoiled is not limited to one, but, after an unsuccessful attempt, he should have a very good explanation of a second failure to mark his ballot paper as he desires.

Mr. NOWLAN: Section 50 says specifically he will count the spoiled ballot papers, and I do not see anything in the section about that.

The WITNESS: There is a statement which he has got to complete, and he has got to account for the number of ballot papers supplied to him. I do not know how you can simplify these things. You are dealing with the human element. If they read this book and follow the instructions it will be done well. We have made tests with people who have read this book, and they do the work perfectly, but it is very hard to be sure that they always read and follow their instructions. But our instructions are very clear and we have never had any complaints about the manner in which they are drafted. The deputy returning officer at the poll has no statute to deal with, all he has is this book of printed instructions which we give him. I know it may be difficult for a layman to know the difference between a spoiled and a rejected ballot, but if he will read the book and follow the instructions, I do not see how he can make a mistake.

Mr. NOWLAN: I am not suggesting these instructions should be made more explicit. I am saying they just do not follow them.

Mr. CAVERS: May I ask one further question? You say that the deputy returning officer shall transmit. Is there any objection to newspapers putting in a special sheet to facilitate their calculation of the result?



The WITNESS: We do supply mimeographed instructions as to how these results shall be collated for the information of the Canadian public, and we have stressed the way in which they are supposed to give this information out. We have run into a few electoral districts where they have a much better system than our own because of local conditions and is better than anything we could devise to work on a national basis. Where that system is working, we allow it to continue. However, I may add that the system we recommend to returning officers, generally, has given satisfactory results. But naturally in certain constituencies the local system, which has been working for years, is better and therefore we will not insist that our system be used.

The CHAIRMAN: Shall clause 11 carry?

Agreed.

Clause 12. This deals with subsection 2 of Section 54 of the Act. Shall that carry?

Agreed.

Clause 13. Section 59 of the Act.

The WITNESS: This is suggested because after the last election and in the midst of my work when I could very ill afford to leave Ottawa I received subpoenas to produce documents which consisted of a writ, proclamation and so on, and I had to produce them to the court in person. The present section would enable me, if the court so desires, to send this in the manner set out in this amendment. It would not necessitate my personal appearance just to produce documents.

The CHAIRMAN: Shall clause 13 carry?

Agreed.

Clause 14. This is an amendment to paragraph (b) of subsection (3) of section 94 of the Act.

The WITNESS: There are problems with this, particularly in the electoral district of Esquimalt-Saanich where there is no incorporated town, city or village and we were not able to establish an advance poll at the last election. This amendment will permit the establishment of an advance poll in such a case. The late Rodney Adamson made similar representations because we had one in the electoral district in one end of his constituency and not in the other. I thought that by amending this subsection it would permit the establishment of more advanced polls.

Mr. HARRISON: I know in the last election in my own riding a large number of people were disenfranchised by reason of the weather that day. The establishment of the bombing range is right on the interprovincial line and a lot of my constituents were just over the border in Alberta working at Cold Lake and they had made arrangements for buses to bring them back, but they are all mud roads up there and the conditions on election day were such that I would think a great 300 missed their vote.

I have approached the returning officer and he said that the only way that the poll could be set up was that it had to be set up before the writ was issued.

I think some provision should be made that the Chief Electoral Officer in the electoral district should have some judgment as to whether he could put in advanced polls.

The CHAIRMAN: I am informed that there is considerable correspondence in regard to advanced polls and until that correspondence is before all the members of the committee it would be better to let that stand and we can deal with it when we get the correspondence.

Clause 14 stands.

The CHAIRMAN: Clause 15. This deals with Section 100, subsection (1) paragraphs (c) and (e) of the Act. Are there any remarks in regard to that amendment, Mr. Castonguay?

The WITNESS: This amendment is just to bring it into line with the Yukon Territory. These persons cannot act as election officers in the Yukon Territory and I thought the members would like the same thing to apply to the Northwest Territories.

The CHAIRMAN: Shall the proposed amendment carry?

Agreed.

Clause 16. Dealing with Section 109, subsection (1) of the Act.

The WITNESS: That section is on the revision. If you agree to this principle, which you did, it is a consequential amendment.

The CHAIRMAN: Shall the amendment carry?

Agreed.

Clause 17. To amend Section 114 of the Act.

The WITNESS: This is again due to the Statute Revision Committee. They omitted this particular clause in the revision and I am asking that it be restored. There is no change in principal involved. It is just the restoration to its former provisions.

Agreed.

The CHAIRMAN: Clause 18. New Section 115 (1) to the Act.

The WITNESS: As you will remember the revised statutes came into force on September 15, 1953, and all pamphlets, my forms, my books of instruction, everything then became obsolete because certain sections had been renumbered and because certain forms had been repealed, other forms had to be renumbered, and at the first session of this parliament a bill was passed to authorize me to use my handbooks of instruction and forms until the next general election. I would like to see this provision in the Election Act in the event of any further revision of statutes or any re-enactment of the Canada Election Act because it takes about six months to reprint all our handbooks and the last time I was quite worried because we just finished the general election and had accounts to tax and also could have been faced with by-elections for which we would not have had any documents which could have legally served for a by-election. We do think this situation may exist again and this amendment is the same in substance as the bill passed at the parliament in the first session of parliament.

Mr. PALLETT: Does that mean that the instructions for the next general election can also be covered.

The WITNESS: No. The power given me authorizes me to use these until the next general election.

The CHAIRMAN: Shall clause 18 carry?

Agreed.

Mr. CARTER: I move that we adjourn and that the next meeting be at the call of the chair.

The CHAIRMAN: The meeting is adjourned.

The committee adjourned.







